

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ZIA SHADOWS, L.L.C., et al.,

Plaintiffs,

v.

CV 09-0909 MV/WPL

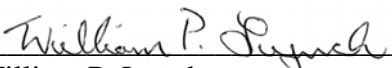
CITY OF LAS CRUCES, et al.,

Defendants.

ORDER FINDING MOTION FOR A PROTECTIVE ORDER MOOT

This matter comes before me on Defendant City of Las Cruces' ("The City's") Motion for a Protective Order. (Doc. 77.) The City requests that I enter an order prohibiting Plaintiffs from taking the deposition of William Mattiace, former Mayor of Las Cruces. (*Id.* at 4.) However, a series of emails and statements in Plaintiffs' brief suggested that they no longer wished to depose Mattiace. (Doc. 80 at 2; Doc. 80 Ex. 1.) Since I may not issue advisory opinions, *see United States v. Chavez-Palacios*, 30 F.3d 1290, 1292-93 (10th Cir. 1994), I held a motion hearing on September 27, 2012, to clarify whether Plaintiffs still sought to depose Mattiace. (Doc. 94.) At the hearing, Plaintiffs' counsel confirmed that they did not seek a deposition at this time. (*Id.*) Therefore, I find Defendant's Motion for a Protective order moot.

IT IS SO ORDERED.



William P. Lynch
United States Magistrate Judge

A true copy of this order was served
on the date of entry--via mail or electronic
means--to counsel of record and any pro se
party as they are shown on the Court's docket.